

RESOLUTION NO. 2002-397

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MODIFYING THE RESOLUTION OF INTENT TO FORM COMMUNITY FACILITIES DISTRICT NO. 08M (VILLAGE 6 - MCMILLIN OTAY RANCH AND OTAY RANCH COMPANY) TO MODIFY THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND DIRECTING THE PREPARATION OF A REPORT OF THE IMPACT OF SUCH PROPOSED MODIFICATION

WHEREAS, the City Council of the City of Chula Vista, California (the "City Council"), has initiated proceedings to create a Community Facilities District and to designate two improvement areas therein pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act") and the City of Chula Vista Community Facilities District Ordinance enacted pursuant to the powers reserved by the City of Chula Vista under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California (the "Ordinance") (the Act and the Ordinance may be referred to collectively as the "Community Facilities District Law"). The Community Facilities District is designated as Community Facilities District No. 08M (Village 6, McMillin Otay Ranch and Otay Ranch Company) (the "District"); and

WHEREAS, this City Council previously adopted its Resolution No. 2002-319 declaring the intention of the City Council to consider the formation of the District and declaring the intention of the City Council to levy a special tax within the District pursuant to the rate and method of apportionment of the special tax ("Rate and Method") attached to the Resolution of Intention; and

WHEREAS, pursuant to the Community Facilities District Law, the City Council scheduled a public hearing to be held on September 24, 2002 to consider the formation of the District; and

WHEREAS, the public hearing was duly opened on September 24, 2002; and

WHEREAS, subsequent to the adoption of the Resolution of Intention, one of the property owners within the proposed District has requested that the District be authorized to finance the maintenance of additional landscaping improvements; and

WHEREAS, the financing of such additional landscaping, if approved, will require an increase in the rates of the special tax set forth in the Rate and Method; and

WHEREAS, the Community Facilities District Law requires that where the City Council proposes to modify the Resolution of Intention in a way that will increase the probable special tax to be paid by the owner of any lot or parcel, the City Council shall direct that a report be prepared that includes an analysis of the impact of the proposed modifications on the probable special tax to be paid by the owners of lots or parcels in the District; and

WHEREAS, this City Council desires to order the preparation of such a report and to continue the public hearing to consider such report.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

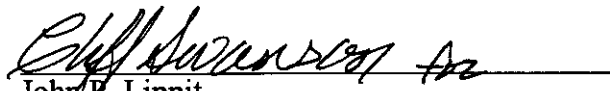
SECTION 1. Recitals. The above recitals are all true and correct.

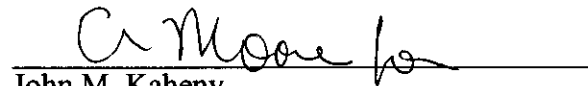
SECTION 2. Preparation of Report. This City Council hereby directs the Director of Public Works to prepare or to cause the preparation of a report, including a brief analysis of the impact of the proposed modifications on the probable special tax to be paid by the owners of the lots or parcels in the proposed District resulting from the financing of the additional landscaping improvements. Such report is to be delivered to the City Council prior to the date of the continued public hearing regarding the formation of the District, and such report is to be considered before approval of the proposed modifications and the Resolution of Formation of the District which may include these modifications.

SECTION 3. Continuance of Public Hearing. The public hearing pertaining to the formation of the District is hereby continued to October 22, 2002.

Presented by

Approved as to form by


John P. Lippit
Public Works Director


John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 8th day of October, 2002, by the following vote:

AYES: Councilmembers: Davis, Padilla, Rindone, Salas and Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: None


Shirley Horton, Mayor

ATTEST:


Susan Bigelow, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2002-397 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 8th day of October, 2002.

Executed this 8th day of October, 2002.


Susan Bigelow, City Clerk